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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,972	07/15/2003	Robert A. Matousek	12622	7832

26637 7590 05/18/2004

INTELLECTUAL PROPERTY LAW DEPARTMENT CASE LLC
700 STATE STREET
RACINE, WI 53404

EXAMINER

TORRES, ALICIA M

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,972

Applicant(s)

MATOUSEK ET AL.

Examiner

Alicia M Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07152003</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Objections

1. Claim 14 objected to because of the following informalities: claim 14 depends from itself. For the purposes of this action, claim 14 has been taken to depend from claim 13.

Appropriate correction is required.

Specification

2. The disclosure is objected to because of the following informalities: the word "curves", should be changed to -curved--, page 5, line 6.

Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Stauffer et al., hereafter Stauffer.

5. In regards to claim 17, Stauffer discloses an agricultural harvesting machine (1) wherein the following method for visually monitoring a harvesting combine is inherent, the method comprising:

providing a harvesting combine including a body (at 1), the body including a housing and operating equipment, a cab (10) spaced-apart from the body, a platform (unnumbered, see figure 1) positioned between the cab (10) and the body (at 1) wherein the cab (10), the body, and the platform define a passageway; and

visually monitoring the operating equipment from the platform.

6. In regards to claims 18-20, Stauffer discloses a harvester wherein the method for visually monitoring a harvesting combine is inherent, the method comprising:

providing a harvesting combine including a body (1), the body (1) including a housing and operating equipment, a cab (10) spaced-apart from the body (1), a platform (unnumbered, see figure 1) positioned between the cab (10) and the body (1) wherein the cab (10), the body (1), and the platform define a passageway; and

accessing the operator equipment from the platform, as per claim 18; and

wherein the cab (10) includes a back wall (80), the back wall including a transparent window (82); and

visually monitoring the operating equipment from the cab (10), as per claim 19; and

wherein the transparent window (82) is comprised of glass, as per claim 20.

7. In regards to claim 21, Stauffer discloses a cab arrangement for a harvesting combine comprising:

a harvesting combine including a body having a grain tank (unnumbered), a cab (10) spaced-apart from the grain tank, a platform (unnumbered, see figure 1) positioned between the

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cab (10) and the grain tank wherein the cab (10), the grain tank, and the platform define a passageway to allow an operator to visually monitor operating equipment of the combine.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 2, 5, 6, 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Covington et al., hereafter Covington, in view of Hurlburt, as cited by applicant.

Covington discloses a cab arrangement for a harvesting combine comprising:

A harvesting combine including a body (unnumbered), a cab (43) spaced-apart from the body, a platform (47) positioned between the cab (43) and the body wherein the cab (43), the body and the platform (47) define a passageway to allow access to the body from the platform (47), as per claim 1; and

Wherein the passageway (47) appears to have a width of approximately 18-20 inches, as per claim 5; and

Wherein the combine includes a frame (6), the platform (47) attached to the frame (6), as per claim 11; and

Wherein the platform (47) is positioned above two front wheels (unnumbered) of the combine, as per claim 12.

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However, Covington fails to disclose wherein the passageway allows an operator to visually monitor the body from the platform, as per claim 1; and

Wherein the cab includes a back wall, the back wall including a transparent window to provide the operator with enhanced visibility behind the cab, as per claim 2; and

Wherein the transparent window is comprised of glass, as per claim 6; and

Wherein the platform includes a railing extending upward from the platform and along an outer perimeter of the platform, as per claim 10; and

Wherein the cab includes a curved transparent front panel, as per claim 13; and

Wherein the curved transparent front panel is comprised of glass, as per claim 14; and

Wherein the body includes a housing and operating equipment, as per claim 15.

Hurlburt discloses a cab for a harvesting machine wherein the rear window (39) of the cab (12) allows an operator to visually monitor body (10), as per claim 1; and

Wherein the cab (12) includes a back wall, the back wall including a transparent window (39) to provide the operator with enhanced visibility behind the cab (12), as per claim 2; and

Wherein the transparent window (39) is comprised of glass, as per claim 6; and

Wherein the platform includes a railing (unnumbered, see figure 1) extending upward from the platform and along an outer perimeter of the platform, as per claim 10; and

Wherein the cab (12) includes a curved transparent front panel (35), as per claim 13; and

Wherein the curved transparent front panel (35) is comprised of glass, as per claim 14;

and

Wherein the body (10) includes a housing and operating equipment, as per claim 15.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the transparent windows of Hurlburt on the harvesting machine of Covington in order to maximize the operator's vision.

10. Claims 3, 4 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Covington in view of Hurlburt as applied to claim 1 above, and further in view of Dow.

The device is disclosed as applied to claim 1 above. Covington further discloses wherein the platform comprises a back portion (47) positioned between the cab (43) and the body, as per claims 3 and 7; and

Wherein the back portion appears to have a width of approximately 18-20 inches, as per claim 4; and

Hurlburt discloses a cab wherein the first side wall of the cab (12) includes a first transparent panel (31) and the second side wall of the cab includes a second transparent panel (40), as per claim 8; and

Wherein the first (31) and second (40) transparent panels are comprised of glass, as per claim 9.

However, the combination fails to disclose wherein the platform includes a first side portion and a second side portion, as per claims 3 and 7.

Dow discloses a harvesting machine including a platform with a first side portion (44, see figure 7) and a second side portion (44).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the side portions of the platform of Dow on the harvester of Covington and Hurlburt in order to provide access for the operator.

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Covington in view of Hurlburt as applied to claim 15 above, and further in view of Matousek et al., hereafter Matousek.

The device is disclosed as applied to claim 15 above. However, the combination fails to disclose wherein the operating equipment includes a loop elevator assembly, a grain tank, a rotary threshing assembly including a rotor, and a cleaning system including a chaffer sieve and a shoe sieve.

Matousek discloses a combine (10) including a loop elevator assembly (85), a grain tank (20), a rotary threshing assembly (not shown) including a rotor, and a cleaning system including a sieve assembly (not shown).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the operating equipment of Matousek on the combine of Covington and Hurlburt in order to obtain an improved grain handling, storage, and unloading system.

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Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Leonord, Moreno et al., and Fagundes et al. have been cited as of interest.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.



Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
May 10, 2004